

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FREETOWN FRIENDS SCHOOL, LLC, SHELLEY DANIEL, SP 2014-HM-091 Appl. under Sect(s). 6-303, 8-305, and 8-914 of the Zoning Ordinance to permit a home child care facility, and to permit reduction to the minimum yard requirements based on error in building location to permit accessory storage structure to remain 0.7 ft. from side lot line and 8.5 ft. from rear lot line. Located at 2487 Freetown Dr., Reston, 20191, on approx. 16,600 sq. ft. of land zoned PRC. Hunter Mill District. Tax Map 25-4 ((5)) (1) 15. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 17, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The board has a favorable recommendation from staff on the home child care facility, and adopts their rationale,
3. With respect to the shed, it is far away from everything, it is a relatively small shed, and is concealed by vegetation to some extent. Although it is 0.7 feet from the property line, the fence is a bit over onto the neighbor's property, so there is a space between the shed and the fence. There do not seem to be any complaints about it. It is consistent with other approvals that the Board has made, and there will be no significant negative impact on anybody.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

- 1. This approval is granted to the applicant, Shelley Daniel, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2487 Freetown Dr., and is not transferable to other land.
- 2. This special permit is granted only for the home child care use and shed indicated on the plat entitled, "Freetown Drive, Plat Showing Special Permit Plat on Lot 15, Block 1, Section 36," prepared by Michael L. Flynn, L.S., dated January 23, 2015, and approved with this application, as qualified by these development conditions.
- 3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
- 4. The hours of operation of the home child care facility shall be limited to 8:45 a.m. to 12:45 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (9:00 a.m. to 12:00 p.m.) until granted a revised license approving the requested hours of operation (8:45 a.m. to 12:45 p.m.).

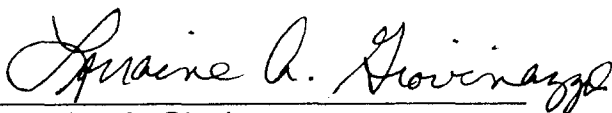
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees at a time, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. Any portion of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
12. All sheds shall remain locked during the hours of operation of the home child care facility.
13. All applicable permits and inspections shall be obtained for the electrical service in the shed within 180 days.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals